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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,733	07/31/2001	Scott D. Sturgeon	10014834-1	4329

7590 01/07/2004

HEWLETT-PACKARD COMPANY  
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EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/919,733

Applicant(s)

STURGEON ET AL.

Examiner

Michael P Nghiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9,10,13-15 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 9,10,13-15 and 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The Communication filed on November 17, 2003 has been acknowledged.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 9, 10, 13-15, and 21-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Swanson et al. (US 5,646,665).

Swanson et al. discloses all the claimed features of the invention including:

- an inkjet printer (10) comprising:
  - a chassis (body of 10);
  - a motor (motor driving 12);

- a carriage (12) operably secured to the chassis and driven by the motor for reciprocal movement relative to the chassis (Fig. 1);

- a mechanism (Fig. 4) for ensuring correct installation of a detachable printer component (20) into said printer (10) comprising:

- a detachable printer component (20) having a toe-end (front end of 20, Fig. 4) and a back end (back end of 20, Fig. 4);

- a mount (16) secured to the printer for detachably receiving the printer component by operably engaging said toe-end and said back end of said detachable printer component (Fig. 4);

- a cover (98) operably secured to said mount extending partially over said toe-end of said detachable printer component when said detachable printer component is secured to said mount (Fig. 4) defining a neutral position of the cover with respect to the mount (Fig. 4) such that in order to allow said toe-end to operably engage said mount, said toe-end must be positioned under said cover before said back end is secured to said mount (front end of 20 is under 98 before back end is secured to 16, Fig. 4), wherein said cover is pivotally secured to said mount at a pivot point and able to deflect slightly out of the cover's engaged position to facilitate installation of said detachable printer component (Fig. 7) and said cover is biased to said cover's neutral position with a beam spring (96) extending between said cover and said mount (Fig. 6);

- said cover is a visually distinguishable color from the color of said mount (98 and 16 have different shades of color, Fig. 4);

- said detachable printer component is an ink reservoir (20);

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- said detachable printer component is an ink/printhead cartridge (20);
- said printer component is a printhead (20);
- said cover includes a substantially planar top surface (top surface of 98) having an angled leading edge lip (108) for operably engaging the toe-end of said detachable printer component during installation (Fig. 4).

### ***Allowable Subject Matter***

2. Claims 4-8 and 16-20 are allowed.

### ***Reasons For Allowance***

3. The combination or method as claimed wherein said cover preventing said back end from operably engaging said back end engaging portion of said mount before said toe-end is pivotally secured to said toe-end engaging portion of said mount is not disclosed, suggested, or made obvious by the prior art of record.

### ***Response to Arguments***

4. Applicant's arguments filed on November 17, 2003 have been fully considered but they are not persuasive.

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With respect to the 35 USC 102 rejections, Applicants argue that Swanson does not show a cover having a visually distinguishing color from the color of said mount.

Examiner's position is that Swanson discloses that latch assembly (94) comprises a metallic spring (96) made of a stainless steel and four latch ends (98) (column 6, lines 33-36). Fig. 6 shows that the spring (96) and latch ends (98) are made of the same material. Thus, cover (98) has a metallic color of stainless steel. On the other hand, mount (16) is made of plastic (see US Patent 5,408,746, column 4, lines 54-55, Figs. 4's). It is noted that US Patent '746 was referenced in Swanson (column 1, lines 15-22) as having information regarding best mode of practicing the invention and its intended environment. Thus, Swanson shows a cover (98) having a visually distinguishing color (color of stainless steel) from the color of a mount (16) (color of plastic).

Applicants further argue that Fig. 7 of Swanson does not show a "cover pivot point".

Rather, Fig. 7 of Swanson shows the cam (108) in Swanson bending, rather than pivoting, out of the way.

Examiner's position is that Swanson shows the the pivot point in Fig. 7. The pivot point is the point of contact between (98) and the mount (16). According to the Merriam Webster's Collegiate Dictionary, tenth edition, 1997, a pivot is defined as "a shaft or pin on which something turns". Thus, a pivot point is a point on which something turns. Swanson teaches pivot point (point of contact between (98) and the mount (16)) on which (98) turns (or bends) (Fig. 7).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.



**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

January 6, 2004